IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5421 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SUTHAR RAMESHBHAI BHAIJABHAI

Versus

GUJARAT STATE PUBLIC SERVICE

Appearance:

MR GA PANDIT for Petitioner

MR RJ OZA for Respondent No. 1

CORAM : MR.JUSTICE C.K.THAKKAR

Date of decision: 18/02/2000

ORAL JUDGEMENT

On 14th March, 1988, when the matter was placed for admission. Rule was issued and the following order was passed:-

" Heard Mr. G.A.Pandit, for the petitioner, and Mr. Anil R. Dave, for the respondent.

Rule. Service of rule waived by Mr. Anil R. Dave, Advocate, for the respondent.

I have heard both of them, also on the question of interim relief. The following order is passed by way of interim relief:

> The respondent shall permit the petitioner to appear in Part II Examination, when it shall be held next in the future, provided petitioner has cleared Part I Examination. The respondent shall declare the result of Part I Examination before the Part II Examination is held. In other words, the respondent shall not forbid the petitioner from appearing in Part II Examination only on the ground of the inadequacy of the payment of examination fees by the petitioner. This question shall be decided at the time of the final hearing of the petition. It is further directed that if the petitioner clears Part II Examination, the question about giving him deemed date of promotion shall also be decided at the time of final hearing. Therefore, the prayer for giving of interim relief to keep one vacancy of the post of Deputy Superintendent of Police in Civil Application No. 369 of 1988 is rejected."

2. From the above order, it is clear that consequential action was required to be taken by the respondent authorities. Obviously, therefore, directions would be that if the petitioner has passed the examination, on that basis action will have be taken. If on the other hand, he has failed, consequences will ensue.

3. For the foregoing reason, the petition deserves to be disposed of and accordingly it is disposed of. Rule is made absolute to the aforesaid extent. In the facts and on the circumstances of the case, there shall be no order as to costs.

Date:18/2/2000. ----
ccshah